

Proposed technical correction:

SECTION #. G.S. 90B-9.1 reads as rewritten:

"§ 90B-9.1. Nonpracticing status.

(a) Any person certified or licensed and desiring to retire temporarily from the practice of social work shall send written notice thereof to the Board. Upon receipt of ~~such~~the notice, his or her certificate or license shall be placed on nonpracticing status. During a period of nonpracticing status, the certificate or license holder ~~shall not be~~is not subject to payment of renewal fees and ~~shall not be~~is not subject to continuing education requirements corresponding to his or her credential. Social workers whose certificate or license has been placed on nonpracticing status shall not refer to themselves as certified or licensed by the Board and shall not engage in social work practice that requires an active certificate or license under this Chapter.

(b) In order to reactivate a certificate or license that has been placed on nonpracticing status, a person shall apply to the Board by making a written request for reactivation. Upon payment of the renewal fee as provided in ~~G.S. 90-6.2, G.S. 90B-6.2,~~ and upon receipt of documentation to the satisfaction of the Board that continuing education requirements for the certification or licensure are complete, the Board shall reactivate the certificate or license of an applicant who is otherwise qualified under this Chapter." (2019-240, s. 10(a).)

Explanation: In addition to replacing legalese with plain English, this proposed technical correction fixes a typographical error in a reference. In changing punctuation, S.L. 2019-240, s. 10(a), inadvertently replaced a reference to G.S. 90B-6.2 with G.S. 90-6.2. G.S. 90-6.2 does not exist; G.S. 90B-6.2 still is the correct reference.

This technical error was reported by M. Jackson Nichols, General Counsel to the N.C. Social Work Certification and Licensure Board.

Background:

§ 90B-6.2. Fees.

- (a) The Board shall establish fees not exceeding the following amounts:
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| (1) | All initial applications | \$200.00 |
| (2) | Examination | Cost plus an amount not to exceed \$40.00 |
| (3) | Repeated examination or any additional examination | Cost plus an amount not to exceed \$40.00 |
| (4) | Renewal applications | 200.00 |
| (5) | Late fees for renewal | 50.00 |
| (6) | Reinstatement | 200.00 |
| (7) | Duplicate license | 25.00 |
| (8) | Temporary certificate or license | 25.00. |

(b) Notwithstanding subdivision (a)(4) of this section, the Board may establish a graduated fee schedule for renewals that is based upon the applicant's level of certification or licensure. The Board may establish fees for the actual cost of duplication services, materials, and returned bank

items. All fees derived from services provided by the Board under the provisions of this Chapter shall be nonrefundable. The Board shall maintain accounts of all receipts to the Board. (1999-313, s. 1.)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-240
SENATE BILL 537**

AN ACT TO EXAMINE AND ESTABLISH A NEW ADULT CARE HOME PAYMENT METHODOLOGY; TO AMEND THE LICENSED PROFESSIONAL COUNSELORS ACT; TO UPDATE AND REVISE THE SUBSTANCE ABUSE PROFESSIONAL PRACTICE ACT; TO AMEND THE SOCIAL WORKER CERTIFICATION AND LICENSURE ACT; TO AMEND DEPARTMENT OF HEALTH AND HUMAN SERVICES' STATUTES PERTAINING TO MEDICAID, SOCIAL SERVICES REFORM, CHILD SUPPORT, VOCATIONAL REHABILITATION, EMPLOYEE ASSISTANCE PROFESSIONALS, ADOPTIONS, CHILD ABUSE AND NEGLECT, JOINT SECURITY FORCES, SECURITY RECORDINGS, NC REACH PROGRAM, TRAUMATIC BRAIN INJURY, AND THE MEDICAL CARE COMMISSION MEMBERSHIP; TO POSTPONE DEPLOYMENT OF NC FAST CASE-MANAGEMENT FUNCTIONALITY FOR CHILD WELFARE SYSTEM/AGING AND ADULT SERVICES' PROGRAM, DEVELOP REQUESTS FOR INFORMATION, AND REQUIRE PROGRAM EVALUATION DIVISION TO STUDY THE ISSUE; TO IMPLEMENT CRIMINAL HISTORY RECORD CHECKS FOR CHILD CARE INSTITUTIONS; TO MAKE CHANGES TO INVOLUNTARY COMMITMENT; AND TO ESTABLISH THE RURAL HEALTH CARE STABILIZATION PROGRAM.

The General Assembly of North Carolina enacts:

...

PART II-I. AMEND SOCIAL WORKER PRACTICE ACT

SECTION 10.(a) Chapter 90B of the General Statutes reads as rewritten:

"Chapter 90B.

"Social Worker Certification and Licensure Act.

"...

"§ 90B-2. Purpose.

Since the profession of social work significantly affects the lives of the people of this State, it is the purpose of this Chapter to protect the public by setting standards for qualification, training, and experience for those who seek to represent themselves to the public as certified social workers or licensed clinical social workers and by promoting high standards of professional performance for those engaged in the practice of social work.

"§ 90B-3. Definitions.

The following definitions apply in this Chapter:

- (1) Applicant. – An individual who has made application to the Board for the issuance, renewal, or reinstatement of any credential which the Board is authorized by law to issue.

- (1)(1a) Board. – The North Carolina Social Work Certification and Licensure Board.
- (2) Repealed by Session Laws 2013-410, s. 8, effective August 23, 2013.
- (3) Certified ~~Master Social Worker~~. master social worker. – A person who is certified under this Chapter to practice social work as a master social worker and is engaged in the practice of social work.
- (4) Certified ~~Social Work Manager~~. social work manager. – A person who is certified under this Chapter to practice social work as a social work manager and is engaged in the practice of social work.
- (5) Certified ~~Social Worker~~. social worker. – A person who is certified under this Chapter to practice social work as a social worker and is engaged in the practice of social work.
- (6) Clinical ~~Social Work Practice~~. social work practice. – The professional application of social work theory and methods to the biopsychosocial diagnosis, treatment, or prevention, of emotional and mental disorders. Practice includes, by whatever means of communications, the treatment of individuals, couples, families, and groups, including the use of psychotherapy and referrals to and collaboration with other health professionals when appropriate. Clinical social work practice shall not include the provision of supportive daily living services to persons with severe and persistent mental illness as defined in G.S. 122C-3(33a).
- (6a) Licensed ~~Clinical Social Worker~~. clinical social worker. – A person who is competent to function independently, who holds himself or herself out to the public as a social worker, and who offers or provides clinical social work services or supervises others engaging in clinical social work practice.
- (6b) Licensed ~~Clinical Social Worker Associate~~. clinical social worker associate. – A person issued an associate license to provide clinical social work services pursuant to G.S. 90B-7(f).
- (7) Practice of ~~Social Work~~. social work. – To perform or offer to perform services, by whatever means of communications, for other people that involve the application of social work values, principles, and techniques in areas such as social work services, consultation and administration, and social work planning and research.
- (7a) Social work continuing education. – Training that, in accordance with the requirements established by the Board pursuant to G.S. 90B-6(g), (i) fosters the enhancement of generalized or specialized social work practice, values, skills, or knowledge, and (ii) includes an element addressing how the knowledge and skills may be applied to the practice of social work.
- (8) Social ~~Worker~~. worker. – A person certified, licensed, or associate licensed by this Chapter or otherwise exempt under ~~G.S. 90B-10~~. G.S. 90B-10, or a person who has earned a bachelors, masters, or doctoral degree in social work from a social work program accredited by or in candidacy for accreditation by the Council on Social Work Education.
- (9) Supervision. – The professional relationship between a supervisee and the supervisor in which a supervisor provides guidance, oversight, direction, and evaluation of the services provided by the supervisee in the professional application of social work practice as defined by law. Supervision is designed

to promote responsibility, competency, and accountability, and to teach the skills and techniques associated with social work practice.

"§ 90B-4. Prohibitions.

(a) Except as otherwise provided in this Chapter, it is unlawful for any person who is not certified as a social worker, master social worker, or social work manager under this Chapter to represent himself or herself to be certified under this Chapter or hold himself or herself out to the public by any title or description denoting that he or she is certified under this Chapter. A person who resides and practices social work in this State while credentialed in another state or jurisdiction shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(b) After January 1, 1992, except as otherwise provided in this Chapter, it is unlawful to engage in or offer to engage in the practice of clinical social work without first being licensed under this Chapter as a clinical social worker. A person who, pursuant to G.S. 90B-8(b), resides and practices clinical social work in this State for a period of not more than five days in any calendar year while credentialed in another state or jurisdiction, shall clearly amend reference to his or her credential identifying the state or jurisdiction in which the credential is held.

(c) Nothing herein shall prohibit school social workers who are certified by the State Board of Education from practicing school social work under the title "Certified School Social Worker." Except as provided for licensed clinical social workers, nothing herein shall be construed as prohibiting social workers who are not certified by the Board from practicing social work. Except as provided herein for licensed clinical social workers, no agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the legislative, executive or judicial branches of State government or counties, cities, towns, villages, other municipal corporations, political subdivisions of the State, public authorities, private corporations created by act of the General Assembly or any firm or corporation receiving State funds shall require the obtaining or holding of any certificate issued under this Chapter or the taking of an examination held pursuant to this Chapter as a requirement for obtaining or continuing in employment.

(d) Nothing herein shall authorize the practice of medicine as defined in Article 1 of this Chapter or the practice of psychology as defined in Article 18A of this Chapter.

~~"§ 90B-5. North Carolina Social Work Certification and Licensure Board; Board appointments; terms; composition.~~

(a) For the purpose of carrying out the provisions of this Chapter, there is hereby created the North Carolina Social Work Certification and Licensure Board which shall consist of seven members appointed by the Governor as follows:

- (1) ~~At least two members~~ one member of the Board shall be ~~Certified Social Workers or Certified Master Social Workers,~~ three a certified social worker, a certified master social worker, or a certified social work manager, ~~four members shall be Licensed Clinical Social Workers,~~ licensed clinical social workers, and two members shall be appointed from the public at large. Composition of the Board as to the race and sex of its members shall reflect the composition of the population of the State of North Carolina.

"§ 90B-6. Functions and duties of the Board.

...

(g) The Board shall have the power to establish or approve study or training courses and to establish reasonable standards for certification, licensure, and renewal of certification and licensure, including the power to adopt or use examination materials and accreditation standards of the Council on Social Work Education or other recognized accrediting agency and the power to establish reasonable standards for continuing social work education; ~~provided that education, except that the Board shall not require an examination for certificate and license renewal no examination shall be required; provided further, that of a certificate or license, and~~ the Board shall not have the power to withhold approval of social work study or training courses offered by a college or university having a social work program approved by the Council on Social Work Education.

(h) Subject to the provisions of Chapter 150B of the General Statutes, the Board shall have the power to adopt rules to carry out the purposes of this Chapter, including but not limited to the power to adopt ~~ethical supervision, ethical,~~ and disciplinary standards.

(i) The Board may order that any records concerning the practice of social work and relevant to a complaint received by the Board or an inquiry or investigation conducted by or on behalf of the Board shall be produced by the custodian of the records to the Board or for inspection and copying by representatives of or counsel to the Board. A social worker licensed by the Board or an agency employing a social worker licensed by the Board shall maintain records for ~~a minimum of three~~ the longer of (i) 10 years from the date the social worker terminates services to the client and the client services record is closed, closed or (ii) the record retention period mandated by a third-party payee. A social worker certified or licensed by the Board shall cooperate fully and in a timely manner with the Board and its designated representatives in an inquiry or investigation of the records conducted by or on behalf of the Board.

...

"§ 90B-7. Titles and qualifications for certificates and licenses.

(a) Each person desiring to obtain a certificate or license from the Board shall make application to the Board upon such forms and in such manner as the Board shall prescribe, together with the required application fee established by the Board.

(b) The Board shall issue a certificate as "Certified Social Worker" to an applicant who meets the following qualifications:

- (1) Has a bachelors degree in ~~a social work program~~ from a college or university ~~having a social work program accredited approved, accredited, or~~ admitted to candidacy for accreditation by the Council on Social Work Education for undergraduate curricula.
- (2) Has passed the ~~Board examination for the certification of persons in this classification.~~ Board-approved qualifying examination.

(c) The Board shall issue a certificate as "Certified Master Social Worker" to an applicant who meets the following qualifications:

- (1) Has a masters or doctoral degree in ~~a social work program~~ from a college or university ~~having a social work program approved approved, accredited, or~~ admitted to candidacy for accreditation by the Council on Social Work Education.
- (2) Has passed the ~~Board examination for the certification of persons in this classification.~~ Board-approved qualifying examination.

(d) The Board shall issue a license as a "Licensed Clinical Social Worker" to an applicant who meets the following qualifications:

- (1) ~~Holds or qualifies for a current certificate as a Certified Master Social Worker.~~Has a masters or doctoral degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation by the Council on Social Work Education.
 - (2) Shows to the satisfaction of the Board that he or she has had two years of clinical social work experience with appropriate supervision in the field of specialization in which the applicant will practice.
 - (3) ~~Has passed the Board examination for the certification of persons in this licensure.~~Board-approved qualifying examination.
- (e) The Board shall issue a certificate as a "Certified Social Work Manager" to an applicant who meets the following qualifications:
- (1) ~~Holds or qualifies for a current certificate as a Certified Social Worker.~~Has a bachelor's degree in social work from a college or university social work program approved, accredited, or admitted to candidacy for accreditation, by the Council on Social Work Education for undergraduate curricula.
 - (2) Shows to the satisfaction of the Board that he or she has had two years of experience in an administrative setting with appropriate supervision and training.
 - (3) ~~Has passed the Board examination for the certification of persons in this classification.~~Board-approved qualifying examination.
- (f) The Board may issue an associate license in clinical social work to a person who has a masters or doctoral degree in ~~a social work program~~ from a college or university ~~having a social work program approved~~approved, accredited, or in candidacy for accreditation by the Council on Social Work Education and who desires to be licensed as a licensed clinical social worker. The associate license may not be issued for a period exceeding two years and the person issued the associate license must practice under the supervision of a licensed clinical social worker or a Board-approved alternate. ~~Notwithstanding G.S. 90B-6(g), an associate licensee shall pass the qualifying clinical examination prescribed by the Board within two years to be eligible for renewal of the associate license.~~ The associate licensee shall complete all requirements for licensed clinical social worker licensure within three renewal cycles, or a total of six years, unless otherwise directed by the Board. Associate licensees who fail to satisfy all requirements for licensed clinical social worker licensure within six years from the date of associate license issuance may apply for a new associate license. However, the Board shall not issue a subsequent associate license to an applicant until the applicant has passed the qualifying examination required by the Board. Supervision and experience hours acquired under an associate license shall expire six years from the date of initial associate license issuance, and expired supervision and experience hours shall not apply toward future licensure.

"§ 90B-8. Persons from other jurisdictions.

(a) The Board may grant a reciprocal certificate or license without examination or by special examination to any person who, at the time of application, is certified, registered or licensed in good standing as a social worker by a similar board of another country, state, or territory whose certification, registration or licensing standards are substantially equivalent to those required by this Chapter. The applicant shall have passed an examination in the country, state, or territory in which he or she is certified, registered, or licensed that is equivalent to the examination required for the level of certification or licensure sought in this State.

(b) The Board may issue a temporary license to a nonresident clinical social worker who is either certified, registered, or licensed in another jurisdiction whose standards, in the opinion of the Board, at the time of the person's certification, registration, or licensure were substantially equivalent to or higher than the requirements of this Chapter. Nothing in this Chapter shall be construed as prohibiting a nonresident clinical social worker certified, registered, or licensed in another state from rendering professional clinical social work services in this State for a period of not more than five days in any calendar year. All persons granted a temporary clinical social worker license shall comply with the supervision requirements established by the ~~Board~~ Board and shall fulfill all requirements for licensure prior to the expiration of the temporary license.

(c) The Board shall issue a temporary license to a military or military spouse applicant who meets the requirements of G.S. 93B-15.1. Prior to the expiration of the temporary license, the applicant shall fulfill all requirements for licensure, in accordance with G.S. 93B-15.1 or the requirements of this Chapter.

"§ 90B-9. Renewal of certificates and licenses.

(a) All certificates and ~~licenses~~ licenses, excluding temporary licenses, shall be effective upon date of issuance by the Board, and shall be renewed on or before the ~~second June 30 thereafter~~ expiration date of the certificate or license.

(b) All certificates and licenses issued hereunder shall be renewed at the times and in the manner provided by this section. At least 45 days prior to expiration of each certificate or license, the Board shall mail a notice ~~and application for~~ renewal to the certificate holder or licensee. Prior to the expiration date, the applicant shall submit to the Board the properly completed application ~~shall be properly completed, together with a for renewal, the renewal fee established by the Board pursuant to G.S. 90B-6.2(a)(4) G.S. 90B-6.2(a)(4), and evidence of completion of the continuing education requirements established by the Board pursuant to G.S. 90B-6(g), upon receipt of which the Board shall renew the certificate or license. If the application for renewal of a certificate or license is not renewed-received by the Board office on or before the close of business on the day prior to the expiration date, date of the license,~~ an additional fee shall be charged for late renewal as provided in G.S. 90B-6.2(a)(5).

(c) A certificate or license issued under this Chapter shall be automatically suspended for failure to renew for a period of more than 60 days after the renewal date. The Board may reinstate a certificate or license suspended under this subsection upon verification of compliance with current requirements and payment of a reinstatement fee as provided in G.S. 90B-6.2(a)(6) and may require that the applicant file a new application, furnish new supervisory reports or references or otherwise update his or her credentials, or submit to examination for reinstatement. The Board shall have exclusive jurisdiction to investigate alleged violations of this Chapter by any person whose certificate or license has been suspended under this subsection and, upon proof of any violation of this Chapter, the Board may take disciplinary action as provided in G.S. 90B-11.

"§ 90B-9.1. Nonpracticing status.

~~(d)(a)~~ Any person certified or licensed and desiring to retire temporarily from the practice of social work shall send written notice thereof to the Board. Upon receipt of such notice, his or her name shall be placed upon the nonpracticing list and he or she certificate or license shall be placed on nonpracticing status. During a period of nonpracticing status, the certificate or license holder shall not be subject to payment of renewal fees while temporarily retired. fees and shall not be subject to continuing education requirements corresponding to his or her credential. Social workers whose certificate or license has been placed on nonpracticing status shall not refer to themselves

as certified or licensed by the Board and shall not engage in social work practice that requires an active certificate or license under this Chapter.

(b) In order to ~~reinstate certification or licensure~~, the ~~reactivate~~ a certificate or license that has been placed on nonpracticing status, a person shall apply to the Board by making a written request for ~~reinstatement and paying reactivation~~. Upon payment of the ~~appropriate renewal~~ fee as provided in ~~G.S. 90B-6.2~~.G.S. 90-6.2, and upon receipt of documentation to the satisfaction of the Board that continuing education requirements for the certification or licensure are complete, the Board shall reactivate the certificate or license of an applicant who is otherwise qualified under this Chapter.

"§ 90B-10. Exemption from certain requirements.

(a) Applicants who were engaged in the practice of social work before January 1, 1984, shall be exempt from the academic qualifications required by this act for ~~Certified Social Workers~~ certified social workers and ~~Certified Social Work Managers~~ certified social work managers and shall be certified upon passing the Board examination and meeting the experience requirements, if any, for certification of persons in that classification.

(b) The following may engage in clinical social work practice without meeting the requirements of G.S. 90B-7(d):

- (1) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.
- (2) A student completing a clinical requirement for graduation while pursuing a course of study in social work in an institution accredited by or in candidacy status with the Council on Social Work Education.
- (3) Repealed by Session Laws 2007-379, s. 4, effective August 19, 2007.

(c) Notwithstanding ~~the requirements of G.S. 90B-4 and G.S. 90B-16~~, any individual who is employed by an agency of a local or State governmental entity, and who is in a position holding the title of "Social Worker" or any variation of the name, and whose position title is derived from the Office of State Human Resources ~~Social Work Series Classification Specifications~~ may use the title "Social Worker" or any variation of the title. This includes persons in such positions in counties whose classification and compensation systems have been certified as substantially equivalent by the State Human Resources Commission and persons serving in such positions in Human Services agencies created by counties pursuant to G.S. 153A-77.

"§ 90B-11. Disciplinary procedures.

(a) The Board may, in accordance with the provisions of Chapter 150B of the General Statutes, deny, suspend, or revoke an application, certificate, or license on any of the following grounds:

- (1) Conviction of ~~a misdemeanor~~ or the entering of a plea of guilty or nolo contendere to ~~a any misdemeanor under this Chapter~~ involving moral turpitude, misrepresentation or fraud in dealing with the public, conduct otherwise relevant to fitness to practice social work, or any misdemeanor reflecting inability to practice social work with due regard to the health and safety of clients or patients.
- (2) Conviction of a felony or the entering of a plea of guilty or nolo contendere to a felony under the laws of the United States or of any state of the United States.
- (3) Gross unprofessional conduct, dishonest practice or incompetence in the practice of social work.
- (4) Procuring or attempting to procure a certificate or license by fraud, deceit, or misrepresentation.

- (5) Any fraudulent or dishonest conduct in social work.
- (6) Inability of the person to perform the functions for which he or she is certified or licensed, or substantial impairment of abilities by reason of physical or mental disability.
- (7) Violations of any of the provisions of this Chapter or of rules of the Board.

...

(d) In considering whether an applicant, certificate holder, or licensee is mentally or physically capable of practicing social work with reasonable skill and safety, the Board may require an applicant, certificate holder, or licensee to submit to any of the following, at his or her own expense: (i) a criminal history record check, including fingerprints, (ii) a mental examination and substance abuse assessment by a licensed clinical social worker or other licensed mental health professional designated by the Board, and (iii) a physical examination by a physician or other licensed health professional designated by the Board. The examination may be ordered by the Board before or after charges are presented against the applicant, certificate holder, or licensee and the results of the examination shall be reported directly to the Board and shall be admissible in evidence in a hearing before the Board.

...

(h) The Board may assess costs of disciplinary action against an applicant, certificate holder, or licensee found to be in violation of the provisions of this Chapter or of any rules adopted by the Board pursuant to this Chapter."

SECTION 10.(b) This section becomes effective January 1, 2021.

...

PART VI. EFFECTIVE DATE

SECTION 28. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 31st day of October, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 2:15 p.m. this 6th day of November, 2019